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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,696	05/02/2001	Henricus Johannes Adrianus Stuyt	05032-00010	6199

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EXAMINER

LOWE, MICHAEL S

ART UNIT PAPER NUMBER

3652

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

## Application No.

09/847,696

## Applicant(s)

STUYT, HENRICUS JOHANNES  
ADRIANUS

## Examiner

M. Scott Lowe

## Art Unit

3652

*WU*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-70 and 72-84 is/are allowed.
- 6) ☒ Claim(s) 71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US 4,984,959) in view of Matsubara (US 5,982,127) and Hainer (US 3,262,593).

Re claim 71, Kato teaches a manipulator comprising a foot part 1 and a number of members connected in a chain to the foot part 1 and to each other and a gripper part 7 and wherein drive means, in particular motors 16a etc. for the members and gripper are provided in the foot part 1 wherein a first member 31e in the chain is rotatable at least 360 degrees about a shoulder axis relative to the foot part and a second member 51e is rotatable about an elbow axis relative to the first member 31e; wherein the footpart is mounted on a base plate (not numbered). Kato does not teach compensating means. Matsubara teaches compensating means (not numbered) provided in the foot part for the first and second members to at least partially compensate for the forces exerted by the members. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato by the teaching of Matsubara to have compensating means that at least partially compensate for the moment exerted by the first member relative to the foot part and by the second member relative to the elbow axis the arrangement being such that during use couples acting on a number of drive means are limited. Kato is silent as to whether the footpart is rotatable. Hainer teaches

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a rotatable footpart in order to make the device more versatile. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Kato by Hainer to have a rotatable footpart in order to make the device more versatile.

### ***Allowable Subject Matter***

Claims 19-70 and 72-84 are allowed.

### ***Conclusion***

Applicant's arguments filed 7/6/04, with respect to the rejection of claim 71 over Kato in view of Nishizawa and Hainer have been fully considered and are persuasive. The rejection of claim 71 by this grouping of references has been overcome.

Applicant's arguments filed 7/6/04 regarding the rejection of claim 71 over Kato in view of Matsubara and Hainer have been fully considered but they are not persuasive.

Applicant argued that Matsubara does not teach compensating means provided between a base plate and a shoulder axis. However, Matsubara meets actual written claim language in that the compensating means is physical between the base plate and a shoulder axis (see figures).

Applicant argued that the purpose of the compensating means of Matsubara is different than that of his invention. Regardless of the primary intended functions, the compensating means would compensate, at least to some extent, to the load changes and thus meets the actual limitations of this claim.

Applicant argued that Hainer does not teach a foot part mounted on a base plate and which is rotatable about an axis that is at an angle with respect to the shoulder axis. Various items match the stated limitations. Nonetheless, Hainer teaches a manipulator 16 with a foot part 48 rotatably mounted on a base 40, which as whole or as any of its sides could be considered a base plate.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is 703-305-1940. The examiner can normally be reached on 6:30am-4:30pm M,Tu,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl



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